

ASSEMBLY BILL

No. 2728

Introduced by Assembly Member Klehs

February 24, 2006

An act to amend Section 12071 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2728, as introduced, Klehs. Firearms.

Existing law establishes a centralized list of firearms dealers licensed to sell firearms in the state, and maintained by the Department of Justice. Existing law provides that the department may, among other reasons, remove from this list any person who knowingly or with gross negligence violates specified provisions of law regulating firearms dealers.

This bill would provide that the Department of Justice or local agency responsible for inspections of firearms dealers may, at their discretion, verify dealer compliance with existing law by completing a compliance inspection of the business premises within 30 days of receipt of a centralized list application form submitted in accordance with regulations established by the department. The bill would also provide that any applicant who fails to meet applicable requirements would be granted at least 30 days from notice of inspection findings to make corrections as necessary and be given a subsequent inspection to provide evidence of compliance. This bill would also provide that the department may immediately place on interim suspension or remove from this list any person who knowingly or with gross negligence violates specified provisions of law regulating firearms dealers in a manner that places public health and safety in imminent danger. The bill would also provide that all other knowing or grossly negligent

violations which require removal from the centralized list would be responded to in accordance with the Administrative Procedures Act, as specified. The bill would provide that lesser violations would be subject to notices for corrective action, fines, or suspension or removal from the centralized list, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12071 of the Penal Code is amended to
2 read:

3 12071. (a) (1) As used in this chapter, the term “licensee,”
4 “person licensed pursuant to Section 12071,” or “dealer” means a
5 person who has all of the following:

6 (A) A valid federal firearms license.

7 (B) Any regulatory or business license, or licenses, required
8 by local government.

9 (C) A valid seller’s permit issued by the State Board of
10 Equalization.

11 (D) A certificate of eligibility issued by the Department of
12 Justice pursuant to paragraph (4).

13 (E) A license issued in the format prescribed by paragraph (6).

14 (F) Is among those recorded in the centralized list specified in
15 subdivision (e).

16 (2) The duly constituted licensing authority of a city, county,
17 or a city and county shall accept applications for, and may grant
18 licenses permitting, licensees to sell firearms at retail within the
19 city, county, or city and county. The duly constituted licensing
20 authority shall inform applicants who are denied licenses of the
21 reasons for the denial in writing.

22 (3) No license shall be granted to any applicant who fails to
23 provide a copy of his or her valid federal firearms license, valid
24 seller’s permit issued by the State Board of Equalization, and the
25 certificate of eligibility described in paragraph (4).

26 (4) A person may request a certificate of eligibility from the
27 Department of Justice and the Department of Justice shall issue a
28 certificate to an applicant if the department’s records indicate that
29 the applicant is not a person who is prohibited from possessing
30 firearms.

1 (5) The department shall adopt regulations to administer the
2 certificate of eligibility program and shall recover the full costs
3 of administering the program by imposing fees assessed to
4 applicants who apply for those certificates.

5 (6) A license granted by the duly constituted licensing
6 authority of any city, county, or city and county, shall be valid
7 for not more than one year from the date of issuance and shall be
8 in one of the following forms:

9 (A) In the form prescribed by the Attorney General.

10 (B) A regulatory or business license that states on its face
11 “Valid for Retail Sales of Firearms” and is endorsed by the
12 signature of the issuing authority.

13 (C) A letter from the duly constituted licensing authority
14 having primary jurisdiction for the applicant’s intended business
15 location stating that the jurisdiction does not require any form of
16 regulatory or business license or does not otherwise restrict or
17 regulate the sale of firearms.

18 (7) Local licensing authorities may assess fees to recover their
19 full costs of processing applications for licenses.

20 (8) *The Department of Justice or local agency responsible for*
21 *inspections may, at their discretion, verify compliance with this*
22 *section by completing a compliance inspection of the business*
23 *premises within 30 days of receipt of a centralized list*
24 *application form submitted in accordance with regulations*
25 *established by the department. Any applicant who fails to meet*
26 *these requirements shall be granted at least 30 days from notice*
27 *of inspection findings to make corrections as necessary and be*
28 *given a subsequent inspection to provide evidence of compliance.*

29 (b) A license is subject to forfeiture for a breach of any of the
30 following prohibitions and requirements:

31 (1) (A) Except as provided in subparagraphs (B) and (C), the
32 business shall be conducted only in the buildings designated in
33 the license.

34 (B) A person licensed pursuant to subdivision (a) may take
35 possession of firearms and commence preparation of registers for
36 the sale, delivery, or transfer of firearms at gun shows or events,
37 as defined in Section 478.100 of Title 27 of the Code of Federal
38 Regulations, or its successor, if the gun show or event is not
39 conducted from any motorized or towed vehicle. A person
40 conducting business pursuant to this subparagraph shall be

1 entitled to conduct business as authorized herein at any gun show
2 or event in the state without regard to the jurisdiction within this
3 state that issued the license pursuant to subdivision (a), provided
4 the person complies with (i) all applicable laws, including, but
5 not limited to, the waiting period specified in subparagraph (A)
6 of paragraph (3), and (ii) all applicable local laws, regulations,
7 and fees, if any.

8 A person conducting business pursuant to this subparagraph
9 shall publicly display his or her license issued pursuant to
10 subdivision (a), or a facsimile thereof, at any gun show or event,
11 as specified in this subparagraph.

12 (C) A person licensed pursuant to subdivision (a) may engage
13 in the sale and transfer of firearms other than pistols, revolvers,
14 or other firearms capable of being concealed upon the person, at
15 events specified in subdivision (g) of Section 12078, subject to
16 the prohibitions and restrictions contained in that subdivision.

17 A person licensed pursuant to subdivision (a) also may accept
18 delivery of firearms other than pistols, revolvers, or other
19 firearms capable of being concealed upon the person, outside the
20 building designated in the license, provided the firearm is being
21 donated for the purpose of sale or transfer at an auction or similar
22 event specified in subdivision (g) of Section 12078.

23 (D) The firearm may be delivered to the purchaser, transferee,
24 or person being loaned the firearm at one of the following places:

- 25 (i) The building designated in the license.
- 26 (ii) The places specified in subparagraph (B) or (C).
- 27 (iii) The place of residence of, the fixed place of business of,
28 or on private property owned or lawfully possessed by, the
29 purchaser, transferee, or person being loaned the firearm.

30 (2) The license or a copy thereof, certified by the issuing
31 authority, shall be displayed on the premises where it can easily
32 be seen.

33 (3) No firearm shall be delivered:

34 (A) Within 10 days of the application to purchase, or, after
35 notice by the department pursuant to subdivision (d) of Section
36 12076, within 10 days of the submission to the department of any
37 correction to the application, or within 10 days of the submission
38 to the department of any fee required pursuant to subdivision (e)
39 of Section 12076, whichever is later.

1 (B) Unless unloaded and securely wrapped or unloaded and in
2 a locked container.

3 (C) Unless the purchaser, transferee, or person being loaned
4 the firearm presents clear evidence of his or her identity and age
5 to the dealer.

6 (D) Whenever the dealer is notified by the Department of
7 Justice that the person is in a prohibited class described in
8 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
9 the Welfare and Institutions Code. The dealer shall make
10 available to the person in the prohibited class a prohibited notice
11 and transfer form, provided by the department, stating that the
12 person is prohibited from owning or possessing a firearm, and
13 that the person may obtain from the department the reason for the
14 prohibition.

15 (4) No pistol, revolver, or other firearm or imitation thereof
16 capable of being concealed upon the person, or placard
17 advertising the sale or other transfer thereof, shall be displayed in
18 any part of the premises where it can readily be seen from the
19 outside.

20 (5) The licensee shall agree to and shall act properly and
21 promptly in processing firearms transactions pursuant to Section
22 12082.

23 (6) The licensee shall comply with Sections 12073, 12076, and
24 12077, subdivisions (a) and (b) and paragraph (1) of subdivision
25 (f) of Section 12072, and subdivision (a) of Section 12316.

26 (7) The licensee shall post conspicuously within the licensed
27 premises the following warnings in block letters not less than one
28 inch in height:

29 (A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
30 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
31 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
32 USES IT, RESULTING IN INJURY OR DEATH, OR
33 CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY
34 OF A MISDEMEANOR OR A FELONY UNLESS YOU
35 STORED THE FIREARM IN A LOCKED CONTAINER OR
36 LOCKED THE FIREARM WITH A LOCKING DEVICE, TO
37 KEEP IT FROM TEMPORARILY FUNCTIONING."

38 (B) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
39 FIREARM CAPABLE OF BEING CONCEALED UPON THE
40 PERSON, WITHIN ANY PREMISES UNDER YOUR

1 CUSTODY OR CONTROL, AND A PERSON UNDER 18
2 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND
3 CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A
4 MISDEMEANOR, UNLESS YOU STORED THE FIREARM
5 IN A LOCKED CONTAINER, OR LOCKED THE FIREARM
6 WITH A LOCKING DEVICE, TO KEEP IT FROM
7 TEMPORARILY FUNCTIONING.”

8 (C) “IF YOU KEEP ANY FIREARM WITHIN ANY
9 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
10 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
11 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
12 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY
13 BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE
14 OF UP TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS
15 YOU STORED THE FIREARM IN A LOCKED CONTAINER,
16 OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”

17 (D) “DISCHARGING FIREARMS IN POORLY
18 VENTILATED AREAS, CLEANING FIREARMS, OR
19 HANDLING AMMUNITION MAY RESULT IN EXPOSURE
20 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH
21 DEFECTS, REPRODUCTIVE HARM, AND OTHER
22 SERIOUS PHYSICAL INJURY. HAVE ADEQUATE
23 VENTILATION AT ALL TIMES. WASH HANDS
24 THOROUGHLY AFTER EXPOSURE.”

25 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
26 DO NOT TAKE PHYSICAL POSSESSION OF THE
27 FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF
28 WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL
29 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
30 TO GO THROUGH THE BACKGROUND CHECK PROCESS
31 A SECOND TIME IN ORDER TO TAKE PHYSICAL
32 POSSESSION OF THAT FIREARM.”

33 (F) “NO PERSON SHALL MAKE AN APPLICATION TO
34 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
35 OTHER FIREARM CAPABLE OF BEING CONCEALED
36 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND
37 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
38 HAS MADE AN APPLICATION TO PURCHASE MORE
39 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM

1 CAPABLE OF BEING CONCEALED UPON THE PERSON
2 WITHIN ANY 30-DAY PERIOD.”

3 (8) (A) Commencing April 1, 1994, and until January 1, 2003,
4 no pistol, revolver, or other firearm capable of being concealed
5 upon the person shall be delivered unless the purchaser,
6 transferee, or person being loaned the firearm presents to the
7 dealer a basic firearms safety certificate.

8 (B) Commencing January 1, 2003, no dealer may deliver a
9 handgun unless the person receiving the handgun presents to the
10 dealer a valid handgun safety certificate. The firearms dealer
11 shall retain a photocopy of the handgun safety certificate as proof
12 of compliance with this requirement.

13 (C) Commencing January 1, 2003, no handgun may be
14 delivered unless the purchaser, transferee, or person being loaned
15 the firearm presents documentation indicating that he or she is a
16 California resident. Satisfactory documentation shall include a
17 utility bill from within the last three months, a residential lease, a
18 property deed, or military permanent duty station orders
19 indicating assignment within this state, or other evidence of
20 residency as permitted by the Department of Justice. The
21 firearms dealer shall retain a photocopy of the documentation as
22 proof of compliance with this requirement.

23 (D) Commencing January 1, 2003, except as authorized by the
24 department, no firearms dealer may deliver a handgun unless the
25 recipient performs a safe handling demonstration with that
26 handgun. The demonstration shall commence with the handgun
27 unloaded and locked with the firearm safety device with which it
28 is required to be delivered, if applicable. While maintaining
29 muzzle awareness, that is, the firearm is pointed in a safe
30 direction, preferably down at the ground, and trigger discipline,
31 that is, the trigger finger is outside of the trigger guard and along
32 side of the handgun frame, at all times, the handgun recipient
33 shall correctly and safely perform the following:

34 (i) If the handgun is a semiautomatic pistol:

35 (I) Remove the magazine.

36 (II) Lock the slide back. If the model of firearm does not allow
37 the slide to be locked back, pull the slide back, visually and
38 physically check the chamber to ensure that it is clear.

39 (III) Visually and physically inspect the chamber, to ensure
40 that the handgun is unloaded.

- 1 (IV) Remove the firearm safety device, if applicable. If the
2 firearm safety device prevents any of the previous steps, remove
3 the firearm safety device during the appropriate step.
- 4 (V) Load one bright orange, red, or other readily identifiable
5 dummy round into the magazine. If no readily identifiable
6 dummy round is available, an empty cartridge casing with an
7 empty primer pocket may be used.
- 8 (VI) Insert the magazine into the magazine well of the firearm.
- 9 (VII) Manipulate the slide release or pull back and release the
10 slide.
- 11 (VIII) Remove the magazine.
- 12 (IX) Visually inspect the chamber to reveal that a round can be
13 chambered with the magazine removed.
- 14 (X) Lock the slide back to eject the bright orange, red, or other
15 readily identifiable dummy round. If the handgun is of a model
16 that does not allow the slide to be locked back, pull the slide back
17 and physically check the chamber to ensure that the chamber is
18 clear. If no readily identifiable dummy round is available, an
19 empty cartridge casing with an empty primer pocket may be
20 used.
- 21 (XI) Apply the safety, if applicable.
- 22 (XII) Apply the firearm safety device, if applicable. This
23 requirement shall not apply to an Olympic competition pistol if
24 no firearms safety device, other than a cable lock that the
25 department has determined would damage the barrel of the pistol,
26 has been approved for the pistol, and the pistol is either listed in
27 paragraph (2) of subdivision (h) of Section 12132 or is subject to
28 paragraph (3) of subdivision (h) of Section 12132.
- 29 (ii) If the handgun is a double-action revolver:
30 (I) Open the cylinder.
31 (II) Visually and physically inspect each chamber, to ensure
32 that the revolver is unloaded.
- 33 (III) Remove the firearm safety device. If the firearm safety
34 device prevents any of the previous steps, remove the firearm
35 safety device during the appropriate step.
- 36 (IV) While maintaining muzzle awareness and trigger
37 discipline, load one bright orange, red, or other readily
38 identifiable dummy round into a chamber of the cylinder and
39 rotate the cylinder so that the round is in the next-to-fire position.

1 If no readily identifiable dummy round is available, an empty
2 cartridge casing with an empty primer pocket may be used.

3 (V) Close the cylinder.

4 (VI) Open the cylinder and eject the round.

5 (VII) Visually and physically inspect each chamber to ensure
6 that the revolver is unloaded.

7 (VIII) Apply the firearm safety device, if applicable. This
8 requirement shall not apply to an Olympic competition pistol if
9 no firearms safety device, other than a cable lock that the
10 department has determined would damage the barrel of the pistol,
11 has been approved for the pistol, and the pistol is either listed in
12 paragraph (2) of subdivision (h) of Section 12132 or is subject to
13 paragraph (3) of subdivision (h) of Section 12132.

14 (iii) If the handgun is a single-action revolver:

15 (I) Open the loading gate.

16 (II) Visually and physically inspect each chamber, to ensure
17 that the revolver is unloaded.

18 (III) Remove the firearm safety device required to be sold with
19 the handgun. If the firearm safety device prevents any of the
20 previous steps, remove the firearm safety device during the
21 appropriate step.

22 (IV) Load one bright orange, red, or other readily identifiable
23 dummy round into a chamber of the cylinder, close the loading
24 gate and rotate the cylinder so that the round is in the next-to-fire
25 position. If no readily identifiable dummy round is available, an
26 empty cartridge casing with an empty primer pocket may be
27 used.

28 (V) Open the loading gate and unload the revolver.

29 (VI) Visually and physically inspect each chamber to ensure
30 that the revolver is unloaded.

31 (VII) Apply the firearm safety device, if applicable. This
32 requirement shall not apply to an Olympic competition pistol if
33 no firearms safety device, other than a cable lock that the
34 department has determined would damage the barrel of the pistol,
35 has been approved for the pistol, and the pistol is either listed in
36 paragraph (2) of subdivision (h) of Section 12132 or is subject to
37 paragraph (3) of subdivision (h) of Section 12132.

38 (E) The recipient shall receive instruction regarding how to
39 render that handgun safe in the event of a jam.

1 (F) The firearms dealer shall sign and date an affidavit stating
2 that the requirements of subparagraph (D) have been met. The
3 firearms dealer shall additionally obtain the signature of the
4 handgun purchaser on the same affidavit. The firearms dealer
5 shall retain the original affidavit as proof of compliance with this
6 requirement.

7 (G) The recipient shall perform the safe handling
8 demonstration for a department certified instructor.

9 (H) No demonstration shall be required if the dealer is
10 returning the handgun to the owner of the handgun.

11 (I) Department certified instructors who may administer the
12 safe handling demonstration shall meet the requirements set forth
13 in subdivision (j) of Section 12804.

14 (J) The persons who are exempt from the requirements of
15 subdivision (b) of Section 12801, pursuant to Section 12807, are
16 also exempt from performing the safe handling demonstration.

17 (9) Commencing July 1, 1992, the licensee shall offer to
18 provide the purchaser or transferee of a firearm, or person being
19 loaned a firearm, with a copy of the pamphlet described in
20 Section 12080 and may add the cost of the pamphlet, if any, to
21 the sales price of the firearm.

22 (10) The licensee shall not commit an act of collusion as
23 defined in Section 12072.

24 (11) The licensee shall post conspicuously within the licensed
25 premises a detailed list of each of the following:

26 (A) All charges required by governmental agencies for
27 processing firearm transfers required by Sections 12076, 12082,
28 and 12806.

29 (B) All fees that the licensee charges pursuant to Sections
30 12082 and 12806.

31 (12) The licensee shall not misstate the amount of fees charged
32 by a governmental agency pursuant to Sections 12076, 12082,
33 and 12806.

34 (13) Except as provided in subparagraphs (B) and (C) of
35 paragraph (1) of subdivision (b), all firearms that are in the
36 inventory of the licensee shall be kept within the licensed
37 location. The licensee shall report the loss or theft of any firearm
38 that is merchandise of the licensee, any firearm that the licensee
39 takes possession of pursuant to Section 12082, or any firearm
40 kept at the licensee's place of business within 48 hours of

1 discovery to the appropriate law enforcement agency in the city,
2 county, or city and county where the licensee's business premises
3 are located.

4 (14) Except as provided in subparagraphs (B) and (C) of
5 paragraph (1) of subdivision (b), any time when the licensee is
6 not open for business, all inventory firearms shall be stored in the
7 licensed location. All firearms shall be secured using one of the
8 following methods as to each particular firearm:

9 (A) Store the firearm in a secure facility that is a part of, or
10 that constitutes, the licensee's business premises.

11 (B) Secure the firearm with a hardened steel rod or cable of at
12 least one-eighth inch in diameter through the trigger guard of the
13 firearm. The steel rod or cable shall be secured with a hardened
14 steel lock that has a shackle. The lock and shackle shall be
15 protected or shielded from the use of a bolt cutter and the rod or
16 cable shall be anchored in a manner that prevents the removal of
17 the firearm from the premises.

18 (C) Store the firearm in a locked fireproof safe or vault in the
19 licensee's business premises.

20 (15) The licensing authority in an unincorporated area of a
21 county or within a city may impose security requirements that are
22 more strict or are at a higher standard than those specified in
23 paragraph (14).

24 (16) Commencing January 1, 1994, the licensee shall, upon the
25 issuance or renewal of a license, submit a copy of the same to the
26 Department of Justice.

27 (17) The licensee shall maintain and make available for
28 inspection during business hours to any peace officer, authorized
29 local law enforcement employee, or Department of Justice
30 employee designated by the Attorney General, upon the
31 presentation of proper identification, a firearms transaction
32 record.

33 (18) (A) On the date of receipt, the licensee shall report to the
34 Department of Justice in a format prescribed by the department
35 the acquisition by the licensee of the ownership of a pistol,
36 revolver, or other firearm capable of being concealed upon the
37 person.

38 (B) The provisions of this paragraph shall not apply to any of
39 the following transactions:

1 (i) A transaction subject to the provisions of subdivision (n) of
2 Section 12078.

3 (ii) The dealer acquired the firearm from a wholesaler.

4 (iii) The dealer is also licensed as a secondhand dealer
5 pursuant to Article 4 (commencing with Section 21625) of
6 Chapter 9 of Division 8 of the Business and Professions Code.

7 (iv) The dealer acquired the firearm from a person who is
8 licensed as a manufacturer or importer to engage in those
9 activities pursuant to Chapter 44 (commencing with Section 921)
10 of Title 18 of the United States Code and any regulations issued
11 pursuant thereto.

12 (v) The dealer acquired the firearm from a person who resides
13 outside this state who is licensed pursuant to Chapter 44
14 (commencing with Section 921) of Title 18 of the United States
15 Code and any regulations issued pursuant thereto.

16 (19) The licensee shall forward in a format prescribed by the
17 Department of Justice, information as required by the department
18 on any firearm that is not delivered within the time period set
19 forth in Section 478.102 (c) of Title 27 of the Code of Federal
20 Regulations.

21 (20) (A) Firearms dealers may require any agent who handles,
22 sells, or delivers firearms to obtain and provide to the dealer a
23 certificate of eligibility from the department pursuant to
24 paragraph (4) of subdivision (a). The agent or employee shall
25 provide on the application, the name and California firearms
26 dealer number of the firearms dealer with whom he or she is
27 employed.

28 (B) The department shall notify the firearms dealer in the
29 event that the agent or employee who has a certificate of
30 eligibility is or becomes prohibited from possessing firearms.

31 (C) If the local jurisdiction requires a background check of the
32 agents or employees of the firearms dealer, the agent or
33 employee shall obtain a certificate of eligibility pursuant to
34 subparagraph (A).

35 (D) Nothing in this paragraph shall be construed to preclude a
36 local jurisdiction from conducting an additional background
37 check pursuant to Section 11105 or prohibiting employment
38 based on criminal history that does not appear as part of
39 obtaining a certificate of eligibility, provided however, that the

1 local jurisdiction may not charge a fee for the additional criminal
2 history check.

3 (E) The licensee shall prohibit any agent who the licensee
4 knows or reasonably should know is within a class of persons
5 prohibited from possessing firearms pursuant to Section 12021 or
6 12021.1 of this code, or Section 8100 or 8103 of the Welfare and
7 Institutions Code, from coming into contact with any firearm that
8 is not secured and from accessing any key, combination, code, or
9 other means to open any of the locking devices described in
10 clause (ii) of subparagraph (G) of this paragraph.

11 (F) Nothing in this paragraph shall be construed as preventing
12 a local government from enacting an ordinance imposing
13 additional conditions on licensees with regard to agents.

14 (G) For purposes of this section, the following definitions shall
15 apply:

16 (i) An “agent” is an employee of the licensee.

17 (ii) “Secured” means a firearm that is made inoperable in one
18 or more of the following ways:

19 (I) The firearm is inoperable because it is secured by a
20 firearms safety device listed on the department’s roster of
21 approved firearms safety devices pursuant to subdivision (d) of
22 Section 12088 of this chapter.

23 (II) The firearm is stored in a locked gun safe or long-gun safe
24 which meets the standards for department-approved gun safes set
25 forth in Section 12088.2.

26 (III) The firearm is stored in a distinct locked room or area in
27 the building that is used to store firearms that can only be
28 unlocked by a key, a combination, or similar means.

29 (IV) The firearm is secured with a hardened steel rod or cable
30 that is at least one-eighth of an inch in diameter through the
31 trigger guard of the firearm. The steel rod or cable shall be
32 secured with a hardened steel lock that has a shackle. The lock
33 and shackle shall be protected or shielded from the use of a bolt
34 cutter and the rod or cable shall be anchored in a manner that
35 prevents the removal of the firearm from the premises.

36 (c) (1) As used in this article, “clear evidence of his or her
37 identity and age” means either of the following:

38 (A) A valid California driver’s license.

39 (B) A valid California identification card issued by the
40 Department of Motor Vehicles.

(2) As used in this section, a “secure facility” means a building that meets all of the following specifications:

(A) All perimeter doorways shall meet one of the following:

(i) A windowless steel security door equipped with both a dead bolt and a doorknob lock.

(ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window shall be covered with steel bars of at least ½-inch diameter or metal grating of at least 9 gauge affixed to the exterior or interior of the door.

(iii) A metal grate that is padlocked and affixed to the licensee’s premises independent of the door and doorframe.

(B) All windows are covered with steel bars.

(C) Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.

(D) Any metal grates have spaces no larger than six inches wide measured in any direction.

(E) Any metal screens have spaces no larger than three inches wide measured in any direction.

(F) All steel bars shall be no further than six inches apart.

(3) As used in this section, “licensed premises,” “licensed place of business,” “licensee’s place of business,” or “licensee’s business premises” means the building designated in the license.

(4) For purposes of paragraph (17) of subdivision (b):

(A) A “firearms transaction record” is a record containing the same information referred to in subdivision (a) of Section 478.124, Section 478.124a, and subdivision (e) of Section 478.125 of Title 27 of the Code of Federal Regulations.

(B) A licensee shall be in compliance with the provisions of paragraph (17) of subdivision (b) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 478.124a and subdivision (e) of Section 478.125 of Title 27 of the Code of Federal Regulations and the records referred to in

1 subdivision (a) of Section 478.124 of Title 27 of the Code of
2 Federal Regulations.

3 (d) Upon written request from a licensee, the licensing
4 authority may grant an exemption from compliance with the
5 requirements of paragraph (14) of subdivision (b) if the licensee
6 is unable to comply with those requirements because of local
7 ordinances, covenants, lease conditions, or similar circumstances
8 not under the control of the licensee.

9 (e) (1) Except as otherwise provided in this paragraph, the
10 Department of Justice shall keep a centralized list of all persons
11 licensed pursuant to subparagraphs (A) to (E), inclusive, of
12 paragraph (1) of subdivision (a), and all persons who have
13 submitted information pursuant to subdivision (a) of Section
14 12083. The department may *immediately place on interim*
15 *suspension or remove from this list any person who knowingly*
16 *or with gross negligence violates this article in a manner that*
17 *places public health and safety in imminent danger. All other*
18 *knowing or grossly negligent violations which require removal*
19 *from the Centralized list shall be responded to in accordance*
20 *with the Administrative Procedures Act (APA), Chapter 5*
21 *(commencing with section 11500) of Part 1 of Division 3 of Title*
22 *2 of the Government Code, for any interim suspension from, or*
23 *removal from, the centralized list. Upon removal of a dealer from*
24 *this list, notification shall be provided to local law enforcement*
25 *and licensing authorities in the jurisdiction where the dealer's*
26 *business is located. Less severe violations of this article by*
27 *persons recorded on the centralized list shall be responded to by*
28 *the Department of Justice or local agency responsible for*
29 *inspection as follows:*

30 (A) *Upon a first violation, persons shall receive a notice of*
31 *violation that identifies the violation and provides a specific time*
32 *frame for correction and subsequent inspection and detailed*
33 *instructions that explain how to provide evidence of correction*
34 *through alternate means.*

35 (B) *Upon a second violation, persons shall be issued a notice*
36 *of violation and may be subjected to a civil fine of fifty dollars*
37 *(\$50) for each specified violation if he or she fails to comply with*
38 *a secondary receipt of the written notification described in*
39 *subparagraph (A).*

1 (C) Upon a third or subsequent violations, the Department of
2 Justice may immediately place on interim suspension or
3 immediately remove the person from the list specified in
4 paragraph (1).

5 (2) The department shall remove from the centralized list any
6 person whose federal firearms license has expired or has been
7 revoked.

8 (3) Information compiled from the list shall be made available,
9 upon request, for the following purposes only:

10 (A) For law enforcement purposes.

11 (B) When the information is requested by a person licensed
12 pursuant to Chapter 44 (commencing with Section 921) of Title
13 18 of the United States Code for determining the validity of the
14 license for firearm shipments.

15 (C) When information is requested by a person promoting,
16 sponsoring, operating, or otherwise organizing a show or event as
17 defined in Section 478.100 of Title 27 of the Code of Federal
18 Regulations, or its successor, who possesses a valid certificate of
19 eligibility issued pursuant to Section 12071.1, if that information
20 is requested by the person to determine the eligibility of a
21 prospective participant in a gun show or event to conduct
22 transactions as a firearms dealer pursuant to subparagraph (B) of
23 paragraph (1) of subdivision (b).

24 (4) Information provided pursuant to paragraph (3) shall be
25 limited to information necessary to corroborate an individual's
26 current license status as being one of the following:

27 (A) A person licensed pursuant to subparagraphs (A) to (E),
28 inclusive, of paragraph (1) of subdivision (a).

29 (B) A person licensed pursuant to Chapter 44 (commencing
30 with Section 921) of Title 18 of the United States Code and who
31 is not subject to the requirement that he or she be licensed
32 pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1)
33 of subdivision (a).

34 (f) The Department of Justice may inspect dealers to ensure
35 compliance with this article. The department may assess an
36 annual fee, not to exceed one hundred fifteen dollars (\$115), to
37 cover the reasonable cost of maintaining the list described in
38 subdivision (e), including the cost of inspections. Dealers whose
39 place of business is in a jurisdiction that has adopted an
40 inspection program to ensure compliance with firearms law shall

1 be exempt from that portion of the department's fee that relates
2 to the cost of inspections. The applicant is responsible for
3 providing evidence to the department that the jurisdiction in
4 which the business is located has the inspection program.

5 (g) The Department of Justice shall maintain and make
6 available upon request information concerning the number of
7 inspections conducted and the amount of fees collected pursuant
8 to subdivision (f), a listing of exempted jurisdictions, as defined
9 in subdivision (f), the number of dealers removed from the
10 centralized list defined in subdivision (e), and the number of
11 dealers found to have violated this article with knowledge or
12 gross negligence.

13 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to
14 a licensee organized as a nonprofit public benefit or mutual
15 benefit corporation organized pursuant to Part 2 (commencing
16 with Section 5110) or Part 3 (commencing with Section 7110) of
17 Division 2 of the Corporations Code, if both of the following
18 conditions are satisfied:

19 (1) The nonprofit public benefit or mutual benefit corporation
20 obtained the dealer's license solely and exclusively to assist that
21 corporation or local chapters of that corporation in conducting
22 auctions or similar events at which firearms are auctioned off to
23 fund the activities of that corporation or the local chapters of the
24 corporation.

25 (2) The firearms are not pistols, revolvers, or other firearms
26 capable of being concealed upon the person.

27 (i) (1) For every verification inquiry made pursuant to
28 paragraph (1) of subdivision (f) of Section 12072, the department
29 shall determine whether the intended recipient possesses an
30 appropriate, valid license issued pursuant to Chapter 44
31 (commencing with Section 921) of Title 18 of the United States
32 Code and, if applicable, is properly licensed pursuant to this
33 section.

34 (2) If the intended recipient possesses an appropriate, valid
35 license issued pursuant to Chapter 44 (commencing with Section
36 921) of Title 18 of the United States Code, and if applicable, is
37 properly licensed pursuant to this section, the department shall
38 immediately provide a unique verification number to the
39 inquiring party.

1 (3) If the intended recipient does not possess an appropriate,
2 valid license issued pursuant to Chapter 44 (commencing with
3 Section 921) of Title 18 of the United States Code, or if
4 applicable, is not properly licensed pursuant to this section, the
5 department shall do all of the following:
6 (A) Immediately notify the inquiring party of that fact.
7 (B) Within 24 hours, notify the chief law enforcement officer
8 of the jurisdiction where the address on the federal firearms
9 license about which the inquiry was made is located, and notify
10 an appropriate employee of the federal Bureau of Alcohol,
11 Tobacco and Firearms of the denied verification.

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